

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 818 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

MUSTAK AHMED NISHAR AHMED

Versus

STATE OF GUJARAT

Appearance:

MS KRISHNA U MISHRA for Petitioner

MR SK PATEL APP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/10/1999

ORAL JUDGEMENT

Though this matter is filed by a prisoner but this is a petition under Article 226 of Constitution and it is expected of the petitioner to disclose candidly all the material facts in the Petition.

I am constrained to observe that the petitioner has not disclosed a very important fact in this Special Criminal

application and more so where in the earlier petition rejected by this court, the same counsel appeared for the petitioner. This approach of the petitioner deserves to be deprecated and it is expected that he will not repeat the same and if he repeats the same in future the court will take serious view.

In view of the order of this court in special Criminal Application No.529/99, this Special Criminal application is wholly misconceived.

This court has rejected the earlier petition filed by the petitioner and further observed that the petitioner may file fresh application after six months. The petitioner should have waited for six months and this petition in fact amounts to disobedience of the order of this court in Criminal Application No.529/99. In case, the petitioner aggrieved of the aforesaid order, he could have challenged the same, which precisely has not been done by the petitioner and he has no right to file this petition at this stage.

In the result, this Special Criminal Application fails and the same is dismissed.

(S.K.Keshote, J.)

*PVV